



Title 129 Stakeholder Outreach: Initial Concepts Briefing

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The goal of today's presentation is to communicate concepts we have identified internally to revise and improve Title 129. We are looking to get your feedback on these ideas to inform our final proposed changes.



Rule Development Process



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Last year, we piloted a process in which we present changes to the EQC just once each year, typically in February. This allows us to concentrate our efforts on drafting revisions that meet the needs of NDEQ and our stakeholders. Today's meeting covers the first box in our timeline. We are asking you to provide feedback on our concepts presented today and any additional ideas you have by August 22 to ndeq.airquality@nebraska.gov. Your input will be used to inform the draft proposals. We plan to have meetings in October to circulate the draft proposals before they are put on public notice in December. The EQC hearing will be held in February 2015.



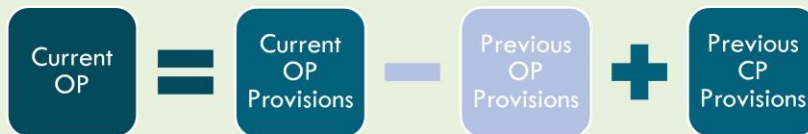
Today's Agenda

- NDEQ Concepts
 - Your Feedback
- Related Subjects
- Your Ideas



Substantive Changes

- Chapter 8 – Operating Permit Content
- Condition 007.06 should convey:
 - Current OP supersedes all previous OP provisions and incorporates all previous CP provisions
 - EPA Guidance



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Condition 007.06 should convey that your current OP supersedes all previous OP provisions and incorporates all previous CP provisions. In reality, this is how the NDEQ treats CP's – they are always a live document to which you are subject. Title 129, however, is not clear on this point. We want to update the language as provided in EPA guidance to clarify how CP and previous OP's are treated.



Substantive Changes

- Chapter 18 – NSPS
- Hospital/Medical/Infectious Waste Incinerators
 - Update Chapter 18 Section 004.02 to match EPA requirements



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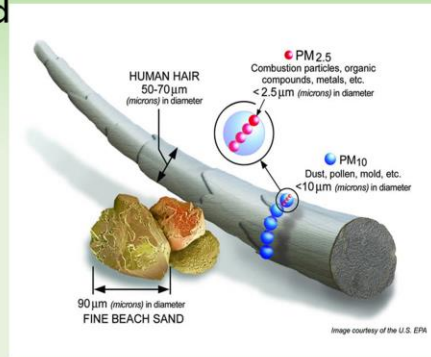
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There are two sources in Nebraska subject to NSPS Ce. These regulations have recently been updated by EPA, so Title 129 needs to be updated to incorporate these changes. The primary impact is a change in testing requirements.



Substantive Changes

- Chapter 19 – PSD
- Remove PM_{2.5} SILs and SMCs
 - Court vacatur January 2013
 - EPA Rulemaking December 2013



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The Significant Impact Levels (SIL) and Significant Monitoring Concentrations (SMC) for PM_{2.5} were vacated by the courts in early 2013. The EPA published a final rule in December 2013 removing the SIL for PM_{2.5} and setting the SMC at 0 $\mu\text{g}/\text{m}^3$. As a result, we need to make the corresponding changes to Title 129 as soon as practicable.



Substantive Changes

- Chapter 20 – PM Emissions
- Sections 001 and 002 – fix references to tables

Table 20-1

Total Heat Input in Million British Thermal Units Per Hour (MMBtu/hr)	Maximum Allowable Emissions of Particulate Matter in Pounds per Million British Thermal Units (lb/MMBtu)
10 or less	0.60
Between 10 and 10,000	1.026 10.233
10,000 or more	0.12

Table 20-2

Process Weight Rate		Rate of Emissions		Process Weight Rate		Rate of Emissions	
Lb/hr	Tons/hr	Lb/hr	Tons/hr	Lb/hr	Tons/hr	Lb/hr	Tons/hr
100	0.05	0.551	16,000	8,000	16.5		
200	0.10	0.877	18,000	9,000	17.9		
400	0.20	1.40	20,000	10	19.2		
600	0.30	1.83	30,000	15	25.2		
800	0.40	2.22	40,000	20	30.5		
1,000	0.50	2.58	50,000	25	35.4		
1,500	0.75	3.38	60,000	30	40.0		
2,000	1.00	4.10	70,000	35	41.3		
2,500	1.25	4.76	80,000	40	42.5		
3,000	1.50	5.38	90,000	45	43.6		
3,500	1.75	5.96	100,000	50	44.6		
4,000	2.00	6.52	120,000	60	46.3		
5,000	2.50	7.58	140,000	70	47.8		
6,000	3.00	8.56	160,000	80	49.0		
7,000	3.50	9.49	200,000	100	51.2		
8,000	4.00	10.4	1,000,000	500	69.0		
9,000	4.50	11.2	2,000,000	1,000	77.6		
10,000	5.00	12.0	6,000,000	3,000	92.7		
12,000	6.00	13.6					

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Sections 001 and 002 have the references to Tables 20-1 and 20-2 reversed. In reality, the tables are used correctly, but we want to update Title 129 to reflect the intention of the tables.



Substantive Changes

- Chapter 24 – Sulfur Compound Emissions
- Clarify existing units are units installed before February 26, 1974

This is the date that the condition originally became effective.



Substantive Changes

- General Construction Permits
- Not required by EPA
- Title 129 already allows General OPs



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The permitting section at NDEQ would like to add conditions to Title 129 that allow for the development of a general construction permitting program, similar to the general operating permit program currently implemented. General construction permits would provide several benefits including streamlining the permit application process for certain source categories and allowing the NDEQ to better utilize resources on priority permits. This program is not required by the EPA, it would be a state-sponsored program. The EPA has already developed a program for their Tribal sources and has approved similar programs in other states. At this time, we are just looking at the language that should be included in Title 129. Once that is established, the agency can begin to develop the program.



Related Subjects

- GHG Tailoring Rule
- Supreme Court Decision
 - GHG permits for sources that are already “major” for another pollutant
- No changes proposed to Title 129 at this time
- Waiting for EPA guidance



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We are not looking to propose changes concerning the GHG Tailoring Rule at this time. However we wanted to bring up this topic as, depending on guidance provided by the EPA, it may have impacts on sources in Nebraska. We will update stakeholders in Nebraska as more information becomes available.



Now It's Your Turn!

Comments by August 22

ndeq.airquality@nebraska.gov

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